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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,309	09/17/2003	Alan O'Neill	Flarion-56APP (83)	1440
26479	7590	01/29/2008		
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			EXAMINER SMITH, MARCUS	
			ART UNIT	PAPER NUMBER
			2619	
			MAIL DATE	DELIVERY MODE
			01/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,309

Applicant(s)

O'NEILL, ALAN

Examiner

Marcus R. Smith

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 28, 35 and 40-55 is/are allowed.
- 6) ☒ Claim(s) 13-27, 29-34, and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-26, 29-34, and 36-39 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims recite data structures, a packet format. Such data structures do not define any function relationship between the data structure and other claimed aspects. A packet format does not become statutory by being transmitted/received from a mobile node.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by Yano et al. (US 7,123,599).

with regards to claim 27,

A communications method for use in a communications system including a mobile node and a first router, the method comprising:

operating said first router to receive a packet (step 1401, column 14, lines 12-17) including a source address (505) and an option field (503), said option field including an option type code (513) indicating which nodes receiving said packet should process the contents of said option field in a filtering operation (figure 5, describe the packet: column 8, lines 33-56); and

operating said first router to use contents of the option field in a filtering operation regardless of the value of the option type code (step 1403: column 14, lines 18-22: the examiner views perform filtering as processing the packet in the router.).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, 29, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. (US 7,123,599) in view of Leung (US 6,636,498) see IDS on 08/05/04.

with regards to claims 13 and 29, Yano et al. teaches:

An apparatus (terminal, 105) comprising:

a machine readable medium (processing section: column 6, lines 17-22), said machine readable medium including: an Internet Protocol packet (router advertisement message) from a source node (base station, 104) coupled to a first access router (103) used to route messages from said source node (column 6, lines 6-16), said access router being a single Internet Protocol hop from said source node (see figure 1, shows the router, 103 and base station, 104 is Internet hop away from each other.), said first access router having a first address prefix (212) of length (211) L bits (column 6, lines 35-40), where L is a positive integer greater than 0, (see figure 2, the prefix length is 64 which is greater than 0.): said message including:

- i) a source address field including a source address (see figure 2);
- ii); and
- iii) an option field (204), said option field including an additional address (216) having a second address prefix that includes the L bit prefix (215) of said first access router as the first L bits of said second address prefix (column 7, lines 33-40: the prefix length, 215, is 64 which is the same as prefix length, 211.);

a transmitter for transmitting said generated packet to said first access router (column 7, lines 40-50).

Yano et al. discloses all of the subject matter as described above except for a destination address field including a destination address, said destination address corresponding to one of another node and a group of nodes to which said packet is being directed.

Leung teaches a packet that has the source, 526, and destination, 528, address as standard IP header refer (RFC 791) for a registration request packet in order to standardized the system so that the packet can be sent and receive through all IP devices.

Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made to use the destination in the IP header as taught by Leung in the system Yano et al. in order to standardized the system so that the packet can be sent and receive through all IP devices. Thus the destination address of the combined system will correspond to have could be the mobile node, or base station, or a multicast address.

Response to Arguments

6. Applicant's arguments filed 11/07/07 have been fully considered but they are not persuasive. For claims 13, and 29, the applicant has not stated why Yano et al. teaches against claim 13. The applicant did prove the routing address in Yano et al. is not the care of address, but that is for claims 1 and 27. Claims 13 and 29 do not state the option field has to have a care of address; however it states that the option field has an additional address. Thus Yano et al. and Leung teaches on claims 13 and 29.

7. Also, the applicant has not stated why Yano et al. teaches against claim 27, so the rejection has been maintained.

Allowable Subject Matter

8. Claims 1-12, 28, 35, and 40-55 are allowed.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus R. Smith whose telephone number is 571 270 1096. The examiner can normally be reached on Mon-Fri. 7:30 am - 5:00 pm every other Friday.

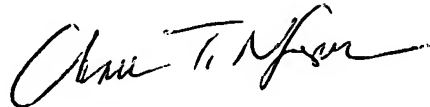
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 1/17/08



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